

Order

Michigan Supreme Court
Lansing, Michigan

December 3, 2008

Clifford W. Taylor,
Chief Justice

136889

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 136889
COA: 277834
Jackson CC: 06-003063-FH

THOMAS JOSEPH DELAZZER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 5, 2008 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Jackson Circuit Court for resentencing in light of *People v Smith*, 482 Mich 292 (2008).

CORRIGAN, J. (*concurring*).

I concur in the order of remand in light of the majority opinion in *People v Smith*, 482 Mich 292 (2008). But, as explained in my dissent in *Smith*, I continue to find the majority rule unworkable and worthy of reconsideration.

WEAVER, J. (*dissenting*).

I would deny leave to appeal for the reasons set forth in my dissenting statement in *People v Smith*, 482 Mich 292, 325-329 (2008).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 3, 2008

Corbin R. Davis

Clerk